

Turn in - Room 104

JUDICIAL BRANCH OF WISCONSIN, CIRCUIT COURT, Milwaukee COUNTY For Official Use

Creditor: You Earnings Garnishment
Debtor: Person You Sued Notice
and
Garnishee: That person's Employer Case No. Original case #

To the clerk of court:

The creditor has commenced an earnings garnishment action against the debtor and the garnishee to collect the following unsatisfied civil judgment:

Name of Debtor(s) <u>Person You Sued</u>	County of Original Judgment <u>Milwaukee</u>
Original Case Number	Date of Original Judgment <u>Date You Won Your Case</u>
Transcript of Judgment filed in This County on: <u>N/A</u>	Amount of Original Judgment <u>Amount You Won</u>
Case Number of Transcript <u>N/A</u>	Amount of Judgment Unpaid <u>Amount They Still owe</u>

The last known names and addresses of the parties are as follows:

Debtor: Name Your Name Person you Sued
Address Your address Their Address

Garnishee: Name Person You Sued Their Employer
Address Their address Employer's Address

Creditor: Name Their Employer You Phone Number Your phone #
Address Employer's Address Your address

Creditor's Attorney: Name N/A Phone Number
Address N/A State Bar Number

Sign
Print Your Name
Today's Date
Date

Send certified mail to Employer w/ \$15 money order

STATE OF WISCONSIN, CIRCUIT COURT, Milwaukee COUNTY

Creditor:

You

Earnings Garnishment

Address:

Your address

Debtor:

Person You Sued

Address:

Their address

Case No.

Orig. Case #

and

Garnishee:

Their Employer

AMOUNT UNDER \$5,000

THE STATE OF WISCONSIN, to the garnishee:

The creditor has been awarded a court judgment that has not been paid. As a result, the creditor claims that the amount owed by the debtor is as follows:

Unpaid balance on judgment	\$ Amnt. of judgment <u>Unpaid</u>
Unpaid post judgment interest	\$ <u>Amnt. of int. you are claiming</u>
Estimated costs of this earnings garnishment	\$ <u>Amnt. of gar. costs (usually 122.50)</u>
Total amount owed by the debtor	\$ <u>Total</u> <u>unless fee waiver</u>

The creditor believes that you will owe the debtor for earnings within the next 13 weeks. If the creditor has tendered to you the \$15 fee with these papers, you are directed to complete the activities listed on the back of this form.

Please make check payable to and remit payment to:

Your name; address



VOID WITHOUT
PURPLE SEAL

GARNISHEE'S COPY

See page 2 of form for further information.

DETERMINE WHETHER YOU WILL OWE THE DEBTOR EARNINGS

1. Determine if you are likely to owe the debtor for earnings in pay periods beginning within the next 13 weeks.
2. If you are not likely to owe the debtor for earnings in pay periods beginning within the next 13 weeks, send a statement stating that fact to the creditor by the end of the 7th business day after receiving the earnings garnishment forms. (Business days do not include Saturdays, Sundays, or legal holidays).

IF THE DEBTOR SENDS YOU AN ANSWER

3. Whenever you receive a debtor's answer form from the debtor, mail a copy of the answer form to the creditor by the end of the 3rd business day after receipt of that form. Include the date you received the answer form on the copy sent to the creditor.
4. If the debtor's answer form claims a complete exemption or defense, do not withhold or pay to the creditor any part of the debtor's earnings under this garnishment unless you receive an order of the court directing you to do so.

MULTIPLE EARNINGS GARNISHMENTS

5. If the debtor's earnings are already being garnished when you receive this earnings garnishment, place this earnings garnishment into effect the pay period after the last of any prior earnings garnishments terminates. Notify the debtor of the amount of the garnishment and notify the creditor of the amount owed on the pending garnishments by the end of the 7th business day after you receive these forms. If there are no prior pending earnings garnishments against the debtor's earnings, place this earnings garnishment into effect the pay period after you receive it.

EARNINGS GARNISHMENTS LAST 13 WEEKS, EXCEPT FOR PUBLIC EMPLOYEES

6. The garnishment of the earnings of employees of the state of Wisconsin and its political subdivisions remain in effect until the judgment is satisfied. The garnishment of earnings of other employees will affect the debtor's earnings for all pay periods beginning within 13 weeks after you receive it, unless the debtor's earnings are already being garnished. If this earnings garnishment is delayed under paragraph 5, above, it will affect the debtor's earnings for all pay periods beginning within 13 weeks after the first day of the pay period that you put this earnings garnishment into effect. If the amount claimed by the creditor is fully paid before the end of the 13 weeks, this earnings garnishment will terminate at that point.

PAYING THE CREDITOR

7. Between 5 and 10 business days after each payday of a pay period affected by this earnings garnishment, pay the creditor 20% of the debtor's disposable earnings for that pay period. Payment is complete upon mailing. "Disposable earnings" are those remaining after deducting Social Security, state and federal income taxes.

EFFECT OF COURT-ORDERED ASSIGNMENTS FOR SUPPORT

8. If the debtor has assigned his or her earnings for support by court order, those support payments take priority over this earnings garnishment. If 25% or more of the debtors' disposable earnings is assigned for support by the court order, do not pay any part of the debtor's earnings to the creditor. Instead, send the creditor a statement of that fact by the end of the 7th business day after you receive these forms. If less than 25% of the debtor's earnings is assigned for support by court order, the amount the creditor must be paid is reduced so that the total of earnings assigned and garnished does not exceed 25% of the debtor's disposable earnings.

EXTENSIONS

9. The debtor and creditor may agree in writing to extend this earnings garnishment for additional pay periods beginning within 13 weeks after this earnings garnishment would otherwise terminate. If you receive a written extension stipulation, and an additional garnishee fee for each extension, you must honor it unless a different garnishment against this debtor's earnings is served upon you before the extension takes effect. In that case, the extension is void and you must return the extension fee to the party who paid it to you.

Send certified mail to Person You Sued

STATE OF WISCONSIN, CIRCUIT COURT, Milwaukee COUNTY

Creditor:

You

Earnings Garnishment

Address:

Your Address

Debtor:

Person You Sued

Address:

Their address

Case No.

Orig. Case #

and

Garnishee:

Their Employer

AMOUNT UNDER \$5,000

THE STATE OF WISCONSIN, to the garnishee:

The creditor has been awarded a court judgment that has not been paid. As a result, the creditor claims that the amount owed by the debtor is as follows:

Unpaid balance on judgment	\$ <u>Amt. paid unpaid</u>
Unpaid post judgment interest	\$ <u>Amt. of mt. you are claiming</u>
Estimated costs of this earnings garnishment	\$ <u>Amt. garnishment costs</u>
Total amount owed by the debtor	\$ <u>Total</u> (usually 102.50) unless fee waiver

The creditor believes that you will owe the debtor for earnings within the next 13 weeks. If the creditor has tendered to you the \$15 fee with these papers, you are directed to complete the activities listed on the back of this form.

Please make check payable to and remit payment to:

Your name & address



VOID WITHOUT
PURPLE SEAL

DEBTOR'S COPY

See page 2 of form for further information.

DETERMINE WHETHER YOU WILL OWE THE DEBTOR EARNINGS

1. Determine if you are likely to owe the debtor for earnings in pay periods beginning within the next 13 weeks.
2. If you are not likely to owe the debtor for earnings in pay periods beginning within the next 13 weeks, send a statement stating that fact to the creditor by the end of the 7th business day after receiving the earnings garnishment forms. (Business days do not include Saturdays, Sundays, or legal holidays).

IF THE DEBTOR SENDS YOU AN ANSWER

3. Whenever you receive a debtor's answer form from the debtor, mail a copy of the answer form to the creditor by the end of the 3rd business day after receipt of that form. Include the date you received the answer form on the copy sent to the creditor.
4. If the debtor's answer form claims a complete exemption or defense, do not withhold or pay to the creditor any part of the debtor's earnings under this garnishment unless you receive an order of the court directing you to do so.

MULTIPLE EARNINGS GARNISHMENTS

5. If the debtor's earnings are already being garnished when you receive this earnings garnishment, place this earnings garnishment into effect the pay period after the last of any prior earnings garnishments terminates. Notify the debtor of the amount of the garnishment and notify the creditor of the amount owed on the pending garnishments by the end of the 7th business day after you receive these forms. If there are no prior pending earnings garnishments against the debtor's earnings, place this earnings garnishment into effect the pay period after you receive it.

EARNINGS GARNISHMENTS LAST 13 WEEKS, EXCEPT FOR PUBLIC EMPLOYEES

6. The garnishment of the earnings of employees of the state of Wisconsin and its political subdivisions remain in effect until the judgment is satisfied. The garnishment of earnings of other employees will affect the debtor's earnings for all pay periods beginning within 13 weeks after you receive it, unless the debtor's earnings are already being garnished. If this earnings garnishment is delayed under paragraph 5, above, it will affect the debtor's earnings for all pay periods beginning within 13 weeks after the first day of the pay period that you put this earnings garnishment into effect. If the amount claimed by the creditor is fully paid before the end of the 13 weeks, this earnings garnishment will terminate at that point.

PAYING THE CREDITOR

7. Between 5 and 10 business days after each payday of a pay period affected by this earnings garnishment, pay the creditor 20% of the debtor's disposable earnings for that pay period. Payment is complete upon mailing. "Disposable earnings" are those remaining after deducting Social Security, state and federal income taxes.

EFFECT OF COURT-ORDERED ASSIGNMENTS FOR SUPPORT

8. If the debtor has assigned his or her earnings for support by court order, those support payments take priority over this earnings garnishment. If 25% or more of the debtors' disposable earnings is assigned for support by the court order, do not pay any part of the debtor's earnings to the creditor. Instead, send the creditor a statement of that fact by the end of the 7th business day after you receive these forms. If less than 25% of the debtor's earnings is assigned for support by court order, the amount the creditor must be paid is reduced so that the total of earnings assigned and garnished does not exceed 25% of the debtor's disposable earnings.

EXTENSIONS

9. The debtor and creditor may agree in writing to extend this earnings garnishment for additional pay periods beginning within 13 weeks after this earnings garnishment would otherwise terminate. If you receive a written extension stipulation, and an additional garnishee fee for each extension, you must honor it unless a different garnishment against this debtor's earnings is served upon you before the extension takes effect. In that case, the extension is void and you must return the extension fee to the party who paid it to you.

Include with mailing to Person You Sued

STATE OF WISCONSIN, CIRCUIT COURT, Milwaukee COUNTY

Creditor:

You

Earnings Garnishment -
Exemption Notice

Debtor:

Person You Sued

and

Garnishee:

that person's Employer

Case No.

Org. case #

To the debtor:

The creditor has been awarded a judgment against you or your spouse as indicated below. That judgment has not been fully paid. The creditor has now filed a garnishment proceeding against your earnings from the garnishee. This means that the creditor is seeking to take some of your earnings to satisfy part or all of the judgment against you or your spouse.

The total amount of the creditor's claim is as follows:

County of Judgment	Case Number	Date of Judgment
<u>Milwaukee</u>	<u>Org. Case</u>	<u>Date you won your case</u>
Unpaid balance on judgment		\$ <u>Am't. unpaid</u>
Unpaid post judgment interest		\$ <u>Am't. of int. you are claiming</u>
Estimated costs of this earnings garnishment		\$ <u>Am't. of gov. costs (usually 102.50)</u>
Total amount owed by the debtor		\$ <u>Total</u> <u>unless fee waiver</u>

By law, you are entitled to an exemption of not less than 80% of your disposable earnings. Your "disposable earnings" are those remaining after social security and federal and state income taxes are withheld.

Your earnings are completely exempt from garnishment if:

1. Your household income is below the federal poverty level. See the enclosed schedules and worksheet to determine if you qualify for this exemption.
2. You receive relief funded under public assistance, relief funded under Wis. Stats. §59.53(21), medical assistance, supplemental security income, food stamps, or veterans benefits based on need under USC 501 to 562 or Wis. Stats. §45.351(1), or have received these benefits within the past 6 months, or are eligible but have not yet received these benefits.
3. At least 25% of your disposable earnings are assigned by court order for support.

If the garnishment of 20% of your disposable income would result in the income of your household being below the poverty line, the garnishment is limited to the amount of your household's income in excess of the poverty line.

There are no exemptions to this garnishment if the debt arises out of one of the following obligations:

1. A debt amortization under §128.21 or a bankruptcy order under 11 USC 1301 to 1330.
2. For the support of any person; or,
3. Unpaid taxes.

Continued on page 2

If you qualify for a complete exemption or a limitation in the amount subject to garnishment, you must give or mail a copy of the completed enclosed debtor's answer form to the garnishee.

If your circumstances change while the garnishment is in effect, you may file a new answer form at any time.

If you do not qualify for a complete exemption or limitation but will not be able to acquire the necessities of life for yourself and your dependents if your earnings are reduced by this earnings garnishment, you may ask the court in which this earnings garnishment was filed to increase your exemption or grant you other relief.

IF YOU NEED ASSISTANCE CONSULT AN ATTORNEY

If you have garnished earnings that are exempt, limited or subject to a defense, the sooner you file your answer form or seek relief from the court, the sooner such relief can be provided. This earnings garnishment affects your earnings in pay periods beginning within 13 weeks after it was served on the garnishee. You may agree in writing with the creditor to extend it for additional 13-week periods until the debt is paid.

PENALTIES

If you wrongly claim an exemption or defense in bad faith, or if the creditor wrongly objects to your claim in bad faith, the court may order the person who acted in bad faith to pay court costs, actual damages and reasonable attorney fees.

Include with what sending to Person you send

Leave Blank Garnishment Exemption Worksheet

Note: You may use this worksheet to calculate how much of your earnings are subject to garnishment. You are not required to complete this worksheet or send it to the garnishee or the creditor.

- Instructions:
- First, calculate your total earnings by using Schedule 1 (Calculation of Income).
 - Then calculate the amount of your earnings subject to garnishment by using Schedule 2 (Calculation of Amount Subject to Garnishment).
 - Finally, to determine how much, if any, of your earnings are exempt from garnishment, use Schedule 3 (Calculation of Poverty Guideline Exemption) and the separate Poverty Guidelines for Earnings (form CV-427).

Schedule 1. Calculation of Income

List in Column A earnings after Social Security and Income Taxes. For both Columns A and B, calculate amounts on the same basis (weekly, biweekly, semimonthly, monthly) as the debtor's earnings.		List in Column B all income other than earnings.	
	Column A		Column B
1. Debtor	1a.	1b.	
2. Spouse (if living in same household as debtor)	2a.	2b.	
3. Other legal dependents	3a.	3b.	
4. TOTAL EARNINGS	4a.	4b.	

Schedule 2. Calculation of Amount Subject to Garnishment

5. Debtor's disposable earnings amount from line 1a	5.	
6. 20% of amount on line 5	6.	
7. 25% of amount on line 5	7.	
8. Court ordered assignments of child support and/or maintenance Use same basis as in Schedule 1 (weekly, biweekly, semimonthly, monthly).	8.	
9. Subtract amount on line 8 from line 7	9.	
10. Insert the lesser amount of line 6 or line 9. This is the amount subject to garnishment. If this amount is "0" or less than zero, then you do not have to complete Schedule 3 because all earnings are exempt.	10.	

Schedule 3. Calculation of Poverty Guideline Exemption

11. Disposable earnings from line 4a	11.	
12. Other income from line 4b	12.	
13. Add line 11 to line 12	13.	
14. 80% of amount of line 13	14.	
15. Poverty Guideline Amount for pay period of debtor and size of family (See current Poverty Guideline Chart)	15.	
16. Compare line 14 and line 15. If line 14 is greater than line 15, proceed to line 17. If line 14 is less than line 15, then calculate 20% of line 13. Insert this amount in box 16. This is the total amount that is subject to garnishment.	16.	
17. Child support and/or maintenance from line 8	17.	
18. Amount subject to garnishment from line 10	18.	
19. Add lines 15, 17, and 18	19.	
20. Compare lines 13 and 19. If line 19 is greater than line 13, all earnings are exempt from garnishment. If line 13 is equal to or greater than line 19, the amount on line 10 is subject to garnishment.		

Include with what sending to Person You Sued

STATE OF WISCONSIN, CIRCUIT COURT, Milwaukee COUNTY

Creditor: You

Earnings Garnishment -
Debtor's Answer

Debtor: Person You Sued

and

Garnishee: Their employer

Case No. Org Case #

To the garnishee:

Leave rest blank

- ☐ 1. My earnings are completely exempt from earnings garnishment or limited in amount subject to garnishment because:

- ☐ a. The judgment has been paid.
☐ b. The judgment has been discharged in bankruptcy.
☐ c. I have filed bankruptcy and enforcement of the judgment has been stayed.

Name of bankruptcy court: _____

Bankruptcy court file number: _____

- ☐ d. The judgment is void.
☐ e. I receive, am eligible for, or have within 6 months received one or more of the following:
☐ Relief funded under public assistance
☐ Medical assistance
☐ Food stamps
☐ Supplemental security income
☐ Relief funded under Wis. Stats. §59.53(21)
☐ Veterans benefits based on need under 38 USC 501-562 or Wis. Stats. §45.351(1)

- ☐ f. At least 25% of my disposable earnings are assigned for support by court order.
☐ g. My household income is below the federal poverty level.
☐ h. The garnishment of 20% of my disposable income would result in the income of my household being below the poverty line.

- ☐ 2. Too much of my earnings are being garnished because:

- ☐ a. I am paying child support or maintenance in an amount that is less than 25% of my disposable earnings. The amount to be paid must be reduced so that the total of earnings assigned and garnished does not exceed 25% of my disposable earnings.
☐ b. The garnishment of 20% of my disposable income would result in my household income being below the poverty line and the amount to be paid must be reduced to an amount equal to the amount of my household income in excess of the poverty line.
☐ c. Other: _____

- ☐ 3. I have another defense to this earnings garnishment (explain briefly): _____

I understand that if I claim a complete exemption, limitation or defense in bad faith, I may be held liable to the creditor for actual damages, costs and reasonable attorneys fees.

Date Received by Garnishee

Signature of Debtor

Date

Address

Telephone Number

Include with what sending to Person You Sued

Poverty Guidelines for Earnings
(For earnings from July 1, 2005 through June 30, 2006)

Size of Family	Weekly	Bi-weekly	Semi-monthly	Monthly
1	184	368	399	798
2	247	493	535	1,070
3	310	618	671	1,342
4	373	743	807	1,614
5	436	868	943	1,886
6	499	993	1,079	2,158
7	562	1,118	1,215	2,430
8	625	1,243	1,351	2,702
Each additional family member	Add \$63 to above amount	Add \$125 to above amount	Add \$136 to above amount	Add \$272 to above amount

Save for later

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

Creditor: _____

Debtor: _____

and

Garnishee: _____

**Earnings Garnishment -
Objection to Debtor's
Answer and Demand for
Hearing**

Case No. _____

To the clerk of court:

1. Attached is a copy of the debtor's answer (CV-424).
2. I object to the debtor's answer and demand a hearing to resolve the issues in controversy. By statute, this hearing must be held as soon as practicable after this objection and demand are filed. I object to the debtor's answer for the following reasons (explain briefly):

3. Please schedule this hearing and notify all parties.
4. To the best of my knowledge, the debtor's current address:

☐ is the same as that stated in the notice I filed to commence this earnings garnishment.

☐ is now: _____

I understand that if I object to the debtor's answer in bad faith, I may be held liable to the debtor for actual damages, costs and reasonable attorney fees.

Signature of Creditor/Attorney

Date

Address

Telephone Number